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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION

7 HARTFORD FIRE INSURANCE
8 COMPANY,

9 Plaintiff,

10 v.

11 NBC GENERAL CONTRACTORS
12 CORPORATION, a California
13 Corporation; MONICA UNG, an
14 individual; and DENNIS CHOW,
an individual,

Defendants.

Case No: C 09-5363 SBA

**ORDER GRANTING
MOTION TO REOPEN
THE CASE**

Docket 148

15 On November 13, 2009, Plaintiff Hartford Fire Insurance Company (“Hartford”)
16 commenced the instant action against NBC General Contractors Corporation (“NBC”),
17 Monica Ung (“Ung”), and Dennis Chow (“Chow”) alleging claims for breach of indemnity
18 agreement, specific performance, injunctive relief, and *quia timet*. Compl., Dkt. 1. On
19 March 5, 2013, the Court issued an Order administratively closing the case in light of the
20 automatic stay issued in the respective bankruptcy cases filed by NBC and Ung. Dkt. 107.
21 In that Order, the Court directed the parties to immediately notify the Court in the event
22 that either stay is lifted and to specify their request for further handling of this action. Id.

23 On June 27, 2014, Hartford filed a motion to reopen the case as to NBC. Dkt. 148.
24 Hartford asserts that good cause exists to reopen the case because the bankruptcy court has
25 issued a Final Decree and closed the NBC bankruptcy, thereby terminating the automatic
26 stay. Pl.’s Mot. at 4; Curran Decl. ¶ 11, Exh. 1. Under Civil Local Rule 7-3, any
27 opposition to Hartford’s motion was due by no later than fourteen days after the motion
28 was filed, i.e., July 11, 2014. This Court’s Standing Orders specifically warn that “[t]he

1 failure of the opposing party to file a memorandum of points and authorities in opposition
2 to any motion shall constitute a consent to the granting of the motion.” See Civil Standing
3 Orders at 4. To date, no opposition has been filed. Having read and considered the papers
4 filed in connection with Hartford’s motion, the Court finds that good cause exists to reopen
5 the case as to NBC. The automatic stay upon the filing of a bankruptcy petition continues
6 until the bankruptcy case is dismissed or closed, or a discharge is granted or denied. See 11
7 U.S.C. § 362(c)(2).

8 Accordingly,

9 IT IS HEREBY ORDERED THAT:

- 10 1. Hartford’s motion to reopen the case is GRANTED.
11 2. The Clerk shall reopen the case as to NBC.
12 3. This Order terminates Docket 148.

13 IT IS SO ORDERED.

14 Dated: 7/16/2014

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Judge
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